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To: Commissioner for Patents
Attn: Examiner Seaman, Art Unit 1625
Fax: (703) 872-9306

From: Roberta Saxon, Reg. No. 43,087
Patent Department

Telephone: 650 808-3764
Fax: 650 808-6078
Date: September 22, 2004
of pages: 8 (including this page)

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Attached is a Reply for U. S. Serial No. 10/642,926.

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SEP 22 2004

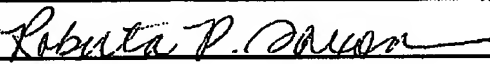
PTO/SB/21 (04-04)

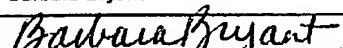
Approved for use through 07/31/2008. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/642,926	
	Filing Date	August 18, 2003	
	First Named Inventor	Edmund J. MORAN	
	Art Unit	1625	
	Examiner Name	D. Margaret Seaman	
Total Number of Pages in This Submission	8	Attorney Docket Number	P-128-US2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: Included in this response are the following: Reply Pursuant to 37 C.F.R. §1.111 (3 pages); Terminal Disclaimer (1 page); Fee Transmittal (1 page) and a duplicate copy; this Transmittal (1 page); and Facsimile Cover Page (1 page) Total: 8		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Roberta P. Saxon, Reg. No. 43,087	
Signature		
Date	September 22, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Barbara Bryant		
Signature		Date	September 22, 2004

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

Complete if Known

Application Number	10/642,928
Filing Date	August 18, 2003
First Named Inventor	Edmund J. MORAN
Examiner Name	D. Margaret Seaman
Art Unit	1625
Attorney Docket No.	P-128-US2

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

60-0344

Deposit
Account
Name

Theravance, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	0 **	0	18	0
Independent Claims	3 **	0	86	0
Multiple Dependent			280	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	65	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Statutory Disclaimer (37 CFR 120(d)) Fee Code: 1814

110

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 110)

SUBMITTED BY

Name (Print/Type)	Roberta P. Saxon	Registration No. (Attorney/Agent)	43,087	Telephone	(650) 808-6000
Signature	<i>Roberta P. Saxon</i>	Date	September 22, 2004		

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COPY

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																															
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number 50-0344 Deposit Account Name Theravance, Inc. The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td></td><td></td><td>1051</td><td>130</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td></td><td></td><td>1052</td><td>50</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td></td><td></td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td></td><td></td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td></td><td></td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td></td><td></td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td></td><td></td><td>1251</td><td>110</td><td>Extension for reply within first month</td><td></td></tr> <tr><td></td><td></td><td>1252</td><td>420</td><td>Extension for reply within second month</td><td></td></tr> <tr><td></td><td></td><td>1253</td><td>950</td><td>Extension for reply within third month</td><td></td></tr> <tr><td></td><td></td><td>1254</td><td>1,480</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td></td><td></td><td>1255</td><td>2,010</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td></td><td></td><td>1401</td><td>330</td><td>Notice of Appeal</td><td></td></tr> <tr><td></td><td></td><td>1402</td><td>330</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td></td><td></td><td>1403</td><td>290</td><td>Request for oral hearing</td><td></td></tr> <tr><td></td><td></td><td>1451</td><td>1,510</td><td>Petition to Institute a public use proceeding</td><td></td></tr> <tr><td></td><td></td><td>1452</td><td>110</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td></td><td></td><td>1453</td><td>1,330</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td></td><td></td><td>1501</td><td>1,330</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td></td><td></td><td>1502</td><td>480</td><td>Design issue fee</td><td></td></tr> <tr><td></td><td></td><td>1503</td><td>640</td><td>Plant issue fee</td><td></td></tr> <tr><td></td><td></td><td>1480</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td></td><td></td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td></td><td></td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td></td><td></td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td></td><td></td><td>1809</td><td>770</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td></td><td></td><td>1810</td><td>770</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td></td><td></td><td>1801</td><td>770</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td></td><td></td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid			1051	130	Surcharge - late filing fee or oath				1052	50	Surcharge - late provisional filing fee or cover sheet				1053	130	Non-English specification				1812	2,520	For filing a request for reexamination				1804	920*	Requesting publication of SIR prior to Examiner action				1805	1,840*	Requesting publication of SIR after Examiner action				1251	110	Extension for reply within first month				1252	420	Extension for reply within second month				1253	950	Extension for reply within third month				1254	1,480	Extension for reply within fourth month				1255	2,010	Extension for reply within fifth month				1401	330	Notice of Appeal				1402	330	Filing a brief in support of an appeal				1403	290	Request for oral hearing				1451	1,510	Petition to Institute a public use proceeding				1452	110	Petition to revive - unavoidable				1453	1,330	Petition to revive - unintentional				1501	1,330	Utility issue fee (or reissue)				1502	480	Design issue fee				1503	640	Plant issue fee				1480	130	Petitions to the Commissioner				1807	50	Processing fee under 37 CFR 1.17 (q)				1806	180	Submission of Information Disclosure Stmt				8021	40	Recording each patent assignment per property (times number of properties)				1809	770	Filing a submission after final rejection (37 CFR § 1.129(a))				1810	770	For each additional invention to be examined (37 CFR § 1.129(b))				1801	770	Request for Continued Examination (RCE)				1802	900	Request for expedited examination of a design application	
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1205 18 2205 9 ** or number previously paid, if greater; For Reissues, see above		Other fee (specify) Statutory Disclaimer (37 CFR 120(d)) Fee Code: 1814 110 *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 110																																																																																																																																																																															

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Roberta P. Saxon	Registration No. (Attorney/Agent)	43,087
Signature	<i>Roberta P. Saxon</i>	Telephone	(650) 808-6000
		Date	September 22, 2004

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